



2016 CHAPTER 18

PART 2

LACK OF CAPACITY: PROTECTION FROM LIABILITY, AND SAFEGUARDS

CHAPTER 6

EXTENSION OF PERIOD OF CERTAIN AUTHORISATIONS

Supplementary provisions about extension

Extension reports: further provision

- 43.—**(1) This section contains further provision about extension reports.
- (2) For the purposes of section 39 an extension report is made when the completed report is signed by the medical practitioner making it.
- (3) See also sections 54 and 55 (involvement of nominated person and independent mental capacity advocate).
- (4) A medical practitioner who makes an extension report must give it to the relevant trust as soon as practicable.
- (5) Where an extension report is given to the relevant trust, that trust must as soon as practicable—
- (a) give prescribed information to P and any prescribed person; and
 - (b) give RQIA a copy of the report.
- (6) Regulations under subsection (5) must ensure that the Attorney General is given notice in any case where the report contains the statement mentioned

in section 39(3) (statement that P lacks, or probably lacks, capacity in relation to making of Tribunal application).

(7) In this section “the relevant trust” means—

- (a) where the extension made by the report is wholly or partly for the purposes of continuing P’s detention in a place, the HSC trust in whose area that place is situated;
- (b) where the extension made by the report is wholly or partly for the purposes of continuing the provision to P of treatment specified by the authorisation or a requirement to attend for such treatment, and paragraph (a) does not apply, the HSC trust in whose area the treatment is provided;
- (c) where the extension made by the report is for the purposes of continuing a community residence requirement and paragraph (b) does not apply, the HSC trust in whose area the place where P is required by the community residence requirement to live is situated.